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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,445	03/14/2001	Keiji Yuzawa	SONYJP 3.0-144	3767

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EXAMINER
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SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/808,445	<b>Applicant(s)</b> YUZAWA, KEIJI	
	<b>Examiner</b> Dominic D Saltarelli	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Russo (5,619,247).

Regarding claims 1 and 8, Russo discloses a digital signal receiver (subscriber premises equipment, fig. 1, col. 3, lines 40-43), comprising:

A reception processor (fig. 2 shows a comprehensive view of the cable box tuner and program storage unit, col. 6, lines 54-55, wherein the reception processor includes input 102, tuner 104, video switch 108, A/D processor 113, compression/decompression 112, D/A processor 118, video switch 120, switch 124, modulator 130, and outputs 126 and 128) operable to receive a broadcast reception signal containing information data (col. 3, lines 40-48) and to cause said information data to be displayed on a display unit by a using a browser (the special graphical module used for displaying a list of available selections which the user utilizes for accessing material, col. 5, lines 48-65); and

A distributed information storage unit (fig. 2 shows a comprehensive view of the cable box tuner and program storage unit, col. 6, lines 54-55, wherein the distributed information storage unit includes high capacity storage 110,

Art Unit: 2611

descramble block 114, schedule information 138, schedule memory 136, authorization keys 146, future record memory 156, controller 150, clock 157, index memory 158, cassette player 132, and display generator 160) operable to obtain said information data from said reception processor (col. 4, lines 22-28), to store said information data in a data storage device (fig. 2, high capacity storage 110), to read said information data stored in said data storage device, and to supply said read information data to said reception processor for display (col. 10, lines 49-60), said distributed information storage unit including

A table of contents generating unit operable to generate a menu frame representing plural information items contained in said read information data (the software module which forms a table of contents based on the contents of index memory 158, col. 9, lines 51-59); and

A table of contents information reforming unit operable to reform said menu frame into table of contents information have a signal format which can be display on said display unit by said browser (software module which feeds the table of contents data to display generator 160, col. 9, lines 51-59, which is responsible for generating the menu information such that is displayed to the user, col. 10, lines 49-60, wherein the browser provides interactivity with the menu, as the user can "scroll" through titles and uses an "on screen cursor").

Art Unit: 2611

Regarding claim 2, Russo discloses the digital signal receiver of claim 1, wherein the distributed information storage unit includes said data storage device (col. 4, lines 10-21).

Regarding claim 3, Russo discloses the digital signal receiver of claim 1, wherein said table of contents generating unit is operable to generate said menu frame for each user by inputting preference information for each said user (input viewer preference information determines the contents of the menu, col. 9, lines 51-64, and additionally, parents control the viewing of their children's accounts by inputting viewer preference information, parental control over particular programs, col. 11, lines 16-30).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo in view of Logan et al. (5,732,216) [Logan].

Regarding claim 4, Russo discloses the digital signal receiver of claim 1, but fails to disclose said table of contents generating unit is operable to generate

Art Unit: 2611

said menu frame by inputting information on priorities of contents when a user wants to watch or listen to.

In an analogous art, Logan discloses generating program schedules and program listings that are generated based on user input priority information (col. 8, lines 8-28 and col. 9, lines 43-53), allowing users to dynamically filter the contents of the schedules and listings through weighted priorities.

It would have been obvious at the time to a person of ordinary skill in the art to modify the digital signal receiver of Russo in to include generating said menu frame based on input priorities of user preferred material, as taught by Logan, for the benefit of enabling users to dynamically filter the contents of the table of contents menu frame by selectively weighting different material to determine its placement in the menu frame.

5. Claims 5, 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo in view of Boyle et al. (6,118,870) [Boyle].

Regarding claims 5, 6, 9, and 10, Russo discloses the receiver and method of claims 1 and 8, but fails to disclose encrypting and decrypting the read information data when transferring it between the reception processor and the distributed information storage unit.

In an analogous art, Boyle teaches it is conventional practice to encrypt data prior to transferring it from one point to another, and then subsequently

Art Unit: 2611

decrypt the data after said transfer (col. 1, lines 43-50) for the benefit of preventing piracy of data (col. 1, lines 31-41).

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver and method disclosed by Russo to include encrypting and decrypting the read information data when transferring it between any two devices, as taught by Boyle, for the benefit of preventing unauthorized use or piracy of the read information data.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo in view of Martinez (4,928,177).

Regarding claim 7, Russo discloses the digital signal receiver of claim 1, but fails to disclose the information data is transmitted during a broadcast vacant time (described in the specification as an off-peak time, e.g. "after midnight", paragraph 0022).

In an analogous art, Martinez teaches delivering data over a television broadcast system col. 3, lines 26-32) wherein data that is downloaded for storage and later use from the storage is downloaded during off-peak hours for more efficient transmission (col. 4, lines 8-17).

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver of Russo to include transmitting the information data during a broadcast vacant time, as taught by Martinez, for the benefit of increasing the efficiency at which the information data is broadcast.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo in view of Walters et al. (5,440,334) [Walters].

Regarding claim 11, Russo discloses the method of claim 8, but fails to disclose said storing step includes separating from said information data one period of data having an amount of data corresponding to plural periods which are periodically contained in said broadcast signal, and storing only said one period of data in said data storage device.

In an analogous art, Walters teaches a video distribution system (fig. 2) wherein program segments are transmitted periodically, and a storage device which selectively stores a single program will only store those segments which comprise the desired program from the plurality of segments being cyclically transmitted (col. 6, lines 10-28), wherein said cyclic transmission of programs ensures no loss of data, as any lost or corrupt segments are simply rebroadcast to ensure the entire program is properly received (col. 7, lines 24-61).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Russo include separating from said information data one period of data (a distinct program segment of a desired program) having an amount of data corresponding to plural periods (plural program segments of the broadcast queue) which are periodically contained in said broadcast signal (cyclic broadcast of all plural program segments), and storing only said one period of data in said data storage device (the selective



Art Unit: 2611

storage of program segments making up the desired program), as taught by Walters, for the benefit of the data recovery capabilities of a cyclic transmission, which enables lost data to be recovered through dynamic rebroadcasts.

### ***Conclusion***

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2611

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



CHRIS GRANT  
PRIMARY EXAMINER